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18 **SAN DIEGO COUNTY REGIONAL AIRPORT**
19 **AUTHORITY and THELLA BOWENS**

20 JOSE HERNANDEZ,

21 Plaintiff,

22 v.

23 SAN DIEGO COUNTY
24 REGIONAL AIRPORT
25 AUTHORITY, a public entity;
26 THELLA BOWENS, an individual;
27 and DOES 1 through 20, inclusive,

28 Defendants.

CASE NO. 08 CV 0184 L CAB

NOTICE OF MOTION AND MOTION
TO DISMISS (RE THELLA BOWENS)
[Fed. R. Civ. P. 12(b)(6)]

Date: May 19, 2008

Time: 10:30 a.m.

Dept. 14

Judge: Honorable James Lorenz

[Magistrate Judge Cathy Ann Bencivengo]

23
24 TO PLAINTIFF JOSE HERNANDEZ AND HIS ATTORNEYS OF
25 RECORD:

26 PLEASE TAKE NOTICE that on May 19, 2008, at 10:30 a.m., or as soon
27 thereafter as the matter may be heard by the above-entitled Court, located at 940
28 Front Street, San Diego, California, defendant Thella Bowens ("Bowens") will

1 move the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure
2 for a Motion to Dismiss the complaint and all causes of action filed in the above
3 referenced action on the grounds that Plaintiff has failed to state a claim upon
4 which relief may be granted (failure to allege a constitutional violation) and
5 Bowens is entitled to qualified immunity from Plaintiff's 42 U.S.C. section 1983
6 claims.

7 This motion is based on this Notice of Motion and Motion, the
8 Memorandum of Points and Authorities filed herewith, the pleadings and papers
9 filed herein, and upon such other matters as may be presented to the Court at or
10 before the time of the hearing.

11
12 Dated: March 3, 2008

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

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14 By:
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AIRPORT AUTHORITY and
THELLA BOWENS

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